

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|---------------------------------------|---|------------------------------------|
| BENJAMIN MARCUS HOMES, LLC, |) | |
| |) | |
| Plaintiff, |) | Civil Action No: 2:11-cv-01541-GLL |
| |) | |
| v. |) | |
| |) | |
| McCLOSKEY LAND DEVELOPMENT CO. |) | |
| INC., JOSEPH J. McCLOSKEY, THE PETERS |) | |
| TOWNSHIP LAND COMPANY, LLC, |) | |
| HOWARD HANNA COMPANY, DANIELLE |) | |
| M. MACH, THOMAS J. MOAKLER, and DR. |) | |
| OLIVER W. HERNDON and LINDA A. |) | |
| HERNDON, husband and wife, |) | |
| |) | |
| Defendants. |) | |

STIPULATION OF DISMISSAL

Plaintiff, Benjamin Marcus Homes, LLC, and Defendants, McCloskey Land Development Co. Inc., Joseph J. McCloskey, The Peters Township Land Company, LLC, Howard Hanna Company, Danielle M. Mach, Thomas J. Moakler, and Dr. Oliver W. Herndon and Linda A. Herndon, husband and wife, by and through their respective undersigned counsel, and pursuant to F.R.C.P. 41(a)(1)(A)(ii) hereby stipulate to the voluntary dismissal of the above-captioned matter, with prejudice.

It is so STIPULATED:

BLUMLING & GUSKY, LLP

By: /s/ Jeffrey K. Sassic
Jeffrey K. Sassic, Esquire
PA ID No. 202327
1200 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 227-2500
jsassic@bglaw-llp.com
Counsel for Plaintiff,
Benjamin Marcus Homes, LLC

WAYMAN, IRVIN & McAULEY, LLC

By: /s/ Paul M. Mannix
Paul M. Mannix, Esquire
PA ID No. 76225
Suite 1700, 3 Gateway Center
401 Liberty Avenue
Pittsburgh, PA 15222
(412) 566-2970
pmannix@waymanllaw.com
Counsel for Defendant,
Thomas J. Moakler

HOUSTON HARBAUGH, P.C.

By: /s/ Matthew J. Lautman

Matthew J. Lautman, Esquire
PA ID No. 90390
401 Liberty Avenue, 22nd Floor
Three Gateway Center
Pittsburgh, PA 15222
(412) 288-5017
lautmanmj@hh-law.com
*"Notice" Counsel for Defendant,
The Peters Township Land Company, LLC*

**MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, PLLC**

By: /s/ Scott A. Millhouse

Scott A. Millhouse, Esquire
PA ID No. 33228
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219
(412) 261-6600
smillhouse@mdbbe.com
*Counsel for Defendant,
The Peters Township Land Company, LLC*

K&L GATES, LLP

By: /s/ James R. Kyper

James R. Kyper, Esquire
PA ID No. 23099
K&L Gates LLP
210 Sixth Avenue
Pittsburgh, PA 15222
(412) 355-6542
James.kyper@klgates.com
*Counsel for Defendants,
Dr. Oliver W. Herndon and Linda A. Herndon*

**MAURICE A. NERNBERG &
ASSOCIATES**

By: /s/ Maurice A. Nernberg

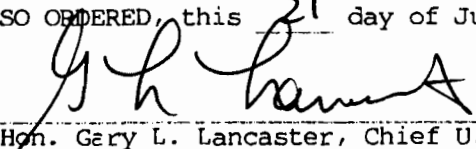
Maurice A. Nernberg, Esquire
PA ID No. 00127
301 Smithfield Street
Pittsburgh, PA 15222
(412) 232-0334
man@nernberg.com
*Counsel for Defendants,
Howard Hanna Company and Danielle Mach*

THE WEBB LAW FIRM

By: /s/ John W. McIlvaine, III

John W. McIlvaine, III, Esquire
PA ID No. 56773
The Webb Law Firm
One Gateway Center, Suite 1200
420 Fort Duquesne Boulevard
Pittsburgh, PA 15222
(412) 471-8815
litigation@webblaw.com
*Counsel for Defendants,
McCloskey Land Development Co., Inc.
and Joseph J. McCloskey*

ST
SO ORDERED, this 21 day of June, 2012.


_____, C.J.
Hon. Gary L. Lancaster, Chief U.S. District Judge